

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MAINE**

<b>DUNCAN J. McNEIL, III,</b>	)	
	)	
<b>PLAINTIFF</b>	)	
	)	
<b>v.</b>	)	<b>Civil No. 05-114-P-H</b>
	)	
<b>UNITED STATES, ET AL.,</b>	)	
	)	
<b>DEFENDANTS</b>	)	

**ORDER IMPOSING FILING RESTRICTIONS**

On August 31, 2005, I put Duncan J. McNeil, III, acting *pro se*, on notice in Duncan J. McNeil, III v. United States, et al., that filing restrictions might be in the offing for frivolous litigation. In that Order, I summarized his previous filings. On October 3, 2005, McNeil filed a motion seeking to amend his previously dismissed complaint and seeking a second reconsideration of the order dismissing the case, as well as a motion titled "Notice to Judicial Officers of Loss of Judicial Immunity." These motions, like earlier motions and the original complaint, relate to court proceedings in the Eastern District of Washington and McNeil's incarceration in the State of Washington. Magistrate Judge Kravchuk once more denied the first motion, this Court having dismissed McNeil's complaint on August 3, 2005, and having denied McNeil's earlier request for reconsideration on August 31, 2005. Treating the second filing on October 3, 2005, as a motion (it also calls itself an "ex parte motion"), I now **DENY** it.

I hereby find that Duncan J. McNeil, III is a vexatious litigant who has abused his right to access to this Court by continuing to pursue groundless litigation. “A part of the Court’s responsibility is to see that [the Court’s limited] resources are allocated in a way that promotes the interest of justice. The continual processing of petitioner’s frivolous [filings] does not promote that end.” In re McDonald, 489 U.S. 180, 184 (1989). An injunction is therefore appropriate under 28 U.S.C. § 1651(a), which gives courts authority to prohibit the filing of frivolous and vexatious lawsuits. Castro v. United States, 775 F.2d 399, 408 (1st Cir. 1985).

**NOW THEREFORE:**

Duncan J. McNeil, III is **ENJOINED** from making further filings in the District of Maine without prior leave of Court. The Clerk of this Court is directed to refuse to receive, file, or docket, without a prior order of this Court, any such paper submitted by or on behalf of Duncan J. McNeil, III (other than a timely notice of appeal from this Order to the United States Court of Appeals for the First Circuit).

If Duncan J. McNeil, III wishes to appeal this Order, he shall file a paper notice of appeal with the Clerk’s Office of this Court within the time allowed by the Federal Rules of Appellate Procedure.

The United States Marshal is directed to serve an attested copy of this Order upon Duncan J. McNeil, III personally immediately.

**SO ORDERED.**

**DATED THIS 6TH DAY OF OCTOBER, 2005**

/s/D. BROCK HORNBY

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**D. BROCK HORNBY**

**UNITED STATES DISTRICT JUDGE**

**U.S. DISTRICT COURT  
DISTRICT OF MAINE (PORTLAND)  
CIVIL DOCKET FOR CASE #: 05:CV114**

**DUNCAN J. McNEIL, III**

Plaintiff

Represented by: Duncan J. McNeil, III  
Pro Se  
2030 W. Spoffard  
Spokane, WA 99205

**v.**

**UNITED STATES  
MAINE U.S. DISTRICT COURT CLERK  
MAINE U.S. BANKRUPTCY COURT CLERK  
MAINE U.S. ATTORNEY  
MAINE U.S. TRUSTEE OFFICE  
MAINE U.S. MARSHAL SERVICE  
MAINE FBI  
MAINE IRS  
MAINE SECRET SERVICE**

Represented by:

and

**DOES 1—500**

Defendants